



07-15-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Patent Application
SN: 09/747,000
Filed: 12-21-2000
By John D. Watts
For: Threaded Pipe Connection Method

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Appeal Brief
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Art Unit: 3726
Examiner: Trinh T. Nguyen

APPEAL BRIEF

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JUL 24 2003

Commissioner of Patents
P.O. Box 1450
Alexandria, VA, 22313-1450

TECHNOLOGY CENTER R3700

This Brief is in response to examiner's Paper mailed 05/12/2003 that refused applicant's request for reconsideration regarding the final rejection mailed 04/13/2003. A notice of appeal and a check for \$155.00 was filed 05/20/2003. A check in the amount of \$155.00 is attached hereto for this Appeal.

1. This Appeal is written by the Inventor, John D. Watts, who resides at 8301 Guthrie, Austin TX.
2. The Assignee is Beverly Watts Ramos, who resides at 8301 Guthrie, Austin, TX.
3. Status: All claims stand rejected, and all claims are on Appeal. Only Claim 1 is Independent.
4. No amendments have been filed subsequent to final rejection.

5. SUMMARY OF THE INVENTION:

A method using three distinct steps to form a threaded pipe connection is claimed, so as to increase the critical area and therefore the strength, of the assembled connection. The preferred embodiment is described in Claim No.1 and depicted in Figures 1, 2, and 3.

Claim 1. (amended) A method for forming end-lengths of plain-end pipe joints (72) having an inner pipe diameter (85) and an outer pipe diameter (71) so as to provide desired final dimensions sufficient to increase the critical area at the end of thread engagement (92 and 95) for an integral threaded connection for like joints, that may be as strong selectively, as the pipe strength, (as at 74) comprising: machining a predetermined end-length (72) of the pipe joint so as to effect a desired first configuration (70 + 76); swaging the first configuration to have a desired inner second configuration (82) and a desired outer third configuration (as at 96); and then machining the end-length as necessary to effect the desired final dimensions for the end-length (as at 90)

Claim 2 more specifically, defines forming of a box end, and Claim 3 defines more specifically, forming of a pin end.

6. ISSUES:

With no detailed explanation as required by MPEP 706.02 (j) wherein it is stated as follows: "It is important for an examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given fair opportunity to reply."; and MPEP 706.07(a) 2nd paragraph which states in part, "--second of any subsequent action on the merit shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claim not based on the information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c)." Irrespective of those requirements, all claims have been thrice rejected. Examiner's reference's discloses new prior art

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(as explained on page 2 lines 39 - page 4 lines 8 of the application) but does not anticipate in any manner, thinning of the pipe wall before swaging, so as to reduce swaging force sufficiently for the swaging of the present invention to be performed in the same machine that pre-forms the ends and finish threads them. The prior art cited requires that the pipe end be heated to above the lower critical temperature, after which, the full wall thickness is swaged in a large swaging machine, then cooled, then chucked in a lathe for finish machining, all of which substantially increases the time and cost, especially for small diameter or thick wall pipe.

Examiner not only failed to discuss the third step of the present invention, but never even recognized that the method third step of the present invention existed.

7. GROUPING:

Claim 1 stands rejected under 35 USC 102(b) as being anticipated by Carlin US 4,838,068.

Claims 2, 6-9 and 20 stand rejected under 35 USC 103(a) on Carlin US 4,838,068.

Claims 4, 5 and 14-19 have been withdrawn from consideration.

8.1 ARGUMENT PER CLAIM 1: Applicant believes that the 35 USC 102(b) rejection is overcome by the following authorities.

A. "The reference must teach the entire claim." [Beckman Instruments v LKB Produktor AB, 892 F.2nd 1550 II, lines 7-16, 4th par. 13 USPQ2nd.] Nowhere does Carlin '068 suggest the method of (1) machining a pipe end, then (2) swaging the thinned end of the pipe wall, then (3) finish machining a thread on the swaged portion.

B. "If even a single element or limitation required by a patent claim is missing from disclosure of prior art reference, there can be no anticipation." [35 USCA 102 Ferag AG v Grapha-Holding AG 905F.Supp. 1] Nowhere does Carlin disclose machining the pipe end prior to swaging.

C. "-- absence of even a single claim limitation precludes finding that prior art reference anticipates claim." [Endress + Hayuser v Hawk Measurements sys. 892 F. Supp. 1107, affirmed 122 F.3 1040] Nowhere does Carlin swage a wall of reduced thickness.

D. "--anticipation requires that the same invention, including each element and limitation of the claims, was known or used by others." [Oney v Ratiff 182 F.3d 893] The element of thinning the pipe wall before swaging is disclosed in the prior art. No proof is in the record that the present invention was known or used by others, although the manufacture of pipe threads is centuries old.

8.2 ARGUMENT PER CLAIMS 2, 6-9, 20: Applicant believes that the 35 USC 103(a) rejection is overcome by the following authorities.

A. From 35 USCA #103, 282: (A) "That challenger prove by clear and convincing evidenced that claims would have been obvious to person of ordinary skill in the art, which requires inquiry into the scope and content of the prior art; differences between prior art and claims at issue, and the level of ordinary skill in the art. (B) The issue of obviousness is determined entirely with reference to hypothetical person having ordinary skill." Page 4 lines 3-16 in the application describe some advantages not practiced during the last 200 years. To untold thousands of highly skilled practitioners, the present invention was not obvious. The Tenents of Ghram are not met by the reference.

B. "Evidence that it would have been "obvious to try" given invention is insufficient to support finding of patent invalidity due to obviousness." [35 USCA #103] [LNP Engineering v Miller Waste Mills, UD Dist. CT. Civ. 96-462-RRM]

C. "One cannot rely on hindsight in determining whether an invention was obvious." [35 USCA #103.] Although the art is 200 years old, the "long felt need" was not satisfied before disclosure of the present invention.

9. APPENDIX: A copy of all remaining claims, 1, 2, 6-9 and 20, follows:

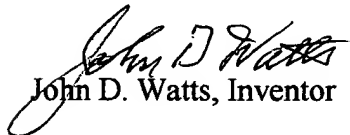
I CLAIM:

1. (amended) A method for forming end-lengths of plain-end pipe joints having an inner pipe diameter and an outer pipe diameter so as to provide desired final dimensions sufficient to increase the critical area at the end of thread engagement for an integral threaded connection for like joints that may be as strong selectively, as the pipe strength, comprising: machining a predetermined end-length of the pipe joint so as to effect a desired first configuration; swaging the first configuration to have a desired inner second configuration and a desired outer third configuration; and then machining the end-length as necessary to effect the desired final dimensions for the end-length.
2. (amended) The method of claim 1, further comprising: forming a box by cutting a counterbore of predetermined length so as to provide a desired first inner configuration within the end-length; swaging outwardly, the first configuration to have a desired second inner configuration and a desired third outer configuration having an outer diameter larger in dimension than the original pipe outer diameter; and then machining the end-length to effect the desired final box dimensions such that the box thread maximum diameter exceeds the pipe outer diameter.
3. (twice amended) The method of claim 1, further comprising: forming a pin by machining a predetermined end-length of the pipe to a desired first outer configuration; swaging inwardly, the first configuration to have a desired second outer configuration and a desired third inner configuration having an inner diameter of smaller dimension than the pipe inner diameter; and then machining the end-length to the desired final pin dimensions such that the pin thread minimum diameter is less than the pipe inner diameter.
6. The method of claim 2 wherein the desired first inner configuration comprises: a substantially conical surface extending substantially from the pipe bore and increasing in diameter toward the pipe end; a second annular surface positioned intermediate the conical surface and pipe end.
7. The method of claim 6, further wherein: the second surface is substantially cylindrical.
8. The method of claim 6, further wherein: the second surface is substantially conical.
9. The method of claim 6, further wherein: the second surface is substantially curved.
10. The method of claim 3 wherein the desired first outer configuration comprises: a substantially conical surface extending substantially from the pipe outer diameter and reducing in diameter toward the pipe end; and a second annular surface positioned intermediate the conical surface and the pipe end.
11. The method of claim 10, wherein: the second surface is substantially cylindrical.
12. The method of claim 10, wherein: the second surface is substantially conical.
13. The method of claim 10, wherein: the second surface is substantially curved.

20. The method of claim 2, further comprising: the box being swaged by forcing a suitable swaging mandrel axially into the counter bore.

21. The method of claim 3, further comprising: the pin being swaged by forcing a suitable annular swaging tool axially around the first outer configuration.

Applicant respectfully requests that the Board of Appeals consider the arguments above, and approve all remaining claims to issue at an early date.

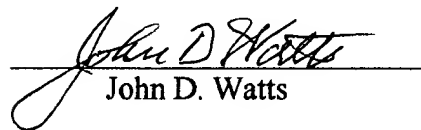

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The Commissioner of Patents
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John D. Watts

7-14-2003
Date